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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**UNITED AFRICAN-ASIAN
ABILITIES CLUB, ON BEHALF OF
ITSELF AND ITS MEMBERS;
ANNA MARIE WIGGINS, An
Individual, ON BEHALF OF
ROBERT AARON MCKISSICK**

Plaintiffs,

v.

**ESSEX PARK CATALINA, L.P.; and
DOES 1 THROUGH 10, Inclusive**

Defendants

Case No.: 2:23cv01682 JLS (MAAx)

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE OF ENTIRE ACTION**

[Fed. R. Civ. P. Rule 41(a)(1)]

IT IS HEREBY NOTICED by the Plaintiffs, pursuant to Federal Rules of Civil Procedure Rule 41 (a)(1) (A)(i), that all the Plaintiffs hereby dismiss WITHOUT prejudice all the Defendants and the Action in its entirety. A plaintiff has the absolute right to dismiss the action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” [FRCP

Dismissal Without Prejudice Of Entire Action
Case# 2:23cv01682 JLS (MAAx)

1 41(a)(1)(A)(i)] ; see *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.* (9th Cir.
2 1999) 193 F3d 1074, 1077. In the present matter, Defendants have not filed an
3 Answer or a motion for summary judgment. Finally, a Notice of Voluntary Dismissal
4 does not require a court Order and is immediately effective on filing. See *Pedrina v.*
5 *Chun* (9th Cir. 1993) 987 F2d 608, 610.
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8 **IT IS SO NOTICED.**

9 Dated: 04/30/2023

Lightning Law, APC

10 /S/ David C. Wakefield

11 By: DAVID C. WAKEFIELD, ESQ.

12 Attorney for all Plaintiffs
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27 Dismissal Without Prejudice Of Entire Action
28 Case# 2:23cv01682 JLS (MAAx)

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4 **PROOF OF SERVICE**

5 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

6 I am employed in the County of San Diego, State of California. I am over the
7 age of 18 and not a party to the within action. My business address is 10620 Trenea
8 Street, Suite 230, San Diego, CA 92131.

9 On 05/01/2023, I served the document described below on all interested parties
10 in the attached service list by the method indicated below:

11 **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF THE**
12 **ENTIRE ACTION**

13 _____ **BY MAIL** - I deposited such envelope in the mail at San Diego, California. The
14 envelope was mailed with postage thereon fully prepaid. I am “readily familiar”
15 with the firm’s practice of collection and processing correspondence for mailing.
16 Under that practice it would be deposited with the U.S. Postal Service on that
17 same day with postage thereon fully prepaid at San Diego, California in the
18 ordinary course of business. I am aware that on motion of the party served,
19 service is presumed invalid if postal cancellation date or postage meter date is
20 more than one (1) day after date of deposit for mailing in affidavit.

21 _____ **BY PERSONAL SERVICE** – I caused such envelope to be delivered by a
22 process server employed by _____

23 _____ **VIA FACSIMILE** – I faxed said document, to the office(s) of the addressee(s)
24 shown above, and the transmission was reported as complete and without error.

25 _____ **BY ECF ELECTRONIC TRANSMISSION** – I transmitted a PDF
26 version of this document by electronic transmission to the party (s) identified on
27 the attached service list using the court supported ECF e-mail to the address(s)
28 indicated.

1 **BY OVERNIGHT DELIVERY** – I deposited such envelope for collection and
2 delivery by the Federal Express with delivery fees paid or provided for in
3 accordance with ordinary business practices. I am “readily familiar” with the
4 firm’s practice of collection and processing packages for overnight delivery by
5 Federal Express. They are deposited with a facility regularly maintained by
6 Federal Express for receipt on the same day in the ordinary course of business.
7 (State) I declare under penalty of perjury under the laws of the State of
8 California that the above is true and correct.
9 **XX** (Federal) I declare that I am employed in the office of a member of the
10 bar of this Court at whose direction the service was made.
11 At San Diego, California.

12 /s/David C. Wakefield
13 DAVID C. WAKEFIELD

14 **SERVICE LIST**

15 No Appearance By Defendants
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27 Dismissal Without Prejudice Of Entire Action
28 Case# 2:23cv01682 JLS (MAAx)